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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,509	02/16/2006	Michiyo Goto	L92890.6119	1200

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EXAMINER	
OVANDO, PABLO R	
ART UNIT	**PAPER NUMBER**
4131	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/568,509	GOTO, MICHIYO	
	Examiner	Art Unit	
	Pablo R. Ovando	4131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 February 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 February 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

Information Disclosure Statement

The information disclosure statement filed 16 February 2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered

Specification

The abstract of the disclosure is objected to because the abstract is not a single paragraph. Correction is required. See MPEP § 608.01(b).

Claim Objections

Claim 12 is objected to because of the following informalities: Claim 12 states "communicating packet", correction to "communicating packets" would clarify the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Ruutu et al, US Patent Application Publication 2004/0260750 (hereinafter referenced as Ruutu).

As to **claim 1**; Ruutu teaches a packet communication terminal apparatus comprising:

a receiving section that receives packet data (paragraph 32 and fig.2 element 210 displays the interfaces which receive packets); and

a notifying section that notifies, when packet loss occurs in a received packet data, information related to the packet loss through an user interface at real time (At least paragraph 63 teaches that the user is notified of the QOS, i.e., packet loss).

As to **claim 2**, Ruutu teaches that the notifying section notifies the information related to the packet loss in conjunction with a real time display of received power (paragraph 43 also teaches that the signaling is measured. In accordance with paragraph 63, the discussed information is displayed to the user).

As to **claim 3**, Ruutu teaches an extracting section that extracts packet data belonging to a specific service from the received packet; wherein the notifying section notifies, when packet loss occurs in the packet data received by the receiving section and extracted by the extracting section, the information related to the packet loss (paragraph 51 teaches that there are different QoS parameters, wherein each parameter is mapped separately and notified to the user as taught in paragraph 63).

As to **claim 4**, Ruutu teaches that the notifying section displays the information related to the packet loss using a message, a symbol, a mark, or an image on the same screen as the screen for displaying the received power (paragraph 45 teaches that messages are transferred to the user).

As to **claim 12**, Ruutu teaches a method of communicating packet comprising the steps of:

receiving packet data (paragraph 32 and fig.2 element 210 displays the interfaces which receive packets);

and notifying, when packet loss occurs in the received packet data, information related to the packet loss through an user interface at real time (At least paragraph 63 teaches that the user is notified of the QOS, i.e., packet loss).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ruutu in view of Kaikuranta et al, US Patent Application Publication 2004/0122684 (hereinafter referenced as Kaikuranta).

As to **claim 5**, Ruutu teaches everything claimed, as applied above (see claim 4); However, Ruutu does not teach a notifying section notifies the extent of the packet loss through the plurality of variations of the mark. Kaikuranta teaches displaying a plurality of mark levels representing information regarding the status of the phone (paragraph 53). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Kaikuranta in Ruutu for the purpose of allowing the

user to easily differentiate the type of information displayed and the strength of the connection.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruutu in view of Cooke et al, US Patent 6,597,961 (hereinafter referenced as Cooke).

As to **claim 6**, Ruutu teaches everything claimed, as applied above (see claim 2). However, Ruutu does not teach disclosing a compensation section that compensates the lost packet data with one of the compensation methods of a plurality of compensation methods determined in advance; and a selecting section that selects one of the compensation method out of the plurality of compensation methods as a response to the notification of the information related to the packet loss from the notifying section. In the same field of endeavor, Cooke teaches that there are many techniques used when packet losses occur. Silent insertion is one the techniques used (col. 1 lines 35-44). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply the teaching of Cooke in Ruutu for the purpose of providing a better and more reliable service to the user by using well known techniques to conceal the lost packets.

As to **claim 7**, Ruutu in view of Cooke teaches everything claimed, as applied above (see claim 6). Additionally, Cooke teaches a compensation method for replacing an audio signal in streaming reproduction with a silent signal (col. 1 lines 35-44).

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruutu in view of Kitamura et al, US Patent Application Publication 2005/0157174 (hereinafter referenced as Kitamura)

As to **claims 8 and 9**, Ruutu teaches everything claimed, as applied above (see claim 2). Additionally, Ruutu teaches detecting a packet and notifying the packet loss. However, Ruutu does not teach using an incoming light with a flashing capability. In the same field of endeavor, Kitamura teaches a flashing light to indicate that a call is being received. Additionally, the device has the capability to match a color or variations of a color with a caller (paragraph 74). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply the teachings of Kitamura in Ruutu for the purpose of giving the user the flexibility to receive visual indications of the packets received and lost. Additionally, the use of flashing lights with variations of colors yields predictable results without altering the scope of the invention.

As to **claim 10**, Ruutu teaches everything claimed, as applied above (see claim 2). However, Ruutu does not teach that the notifying section notifies the packet loss by outputting a predetermined sound from a speaker or an earphone. Kitamura teaches providing a sound when the phone receives a call (paragraph 73). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply the teachings of Kitamura in Ruutu for the purpose of giving the user the flexibility to receive audible indications of the packets received and lost. Additionally, the use of

audio to notify a user yields predictable results without altering the scope of the invention.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ruutu in view of McGregor et al, US Patent Application Publication 2004/0058652 (hereinafter referenced as McGregor), and in further view of Reith et al, US Patent Application Publication 2004/0102182 (hereinafter referenced as Reith)

As to **claim 11**, Ruutu teaches everything claimed, as applied above (see claim 2). However, Ruutu does no teach a base station that transmits test data packet that is not charged to the packet communication terminal apparatus. McGregor teaches sending test packets to the terminal (paragraph 141); however McGregor does not explicitly teach whether that data is chargeable. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of McGregor in Ruutu for the purpose of enhancing the experience of the user when using a feature that receives packets.

In the same field of endeavor, Reith teaches sending packets with out charging the customer (paragraph 35). It would have been obvious to one of ordinary skill in the art at the time of the invention to send a test packet for free since it is the responsibility of the provider to provide appropriate services. Additionally, the user would benefit by knowing the QoS prior to a transaction.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo R. Ovando whose telephone number is 571-272-

9752. The examiner can normally be reached on M-F 7:30 am to 5:00pm, EST,Alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

P.O.

BRIAN PENDLETON
SUPERVISORY PATENT EXAMINER